

since 1959, very little, if any, use of this frequency band has been made since 1959.

At the time of said Order, petitioner had pending before the Commission applications to provide local multipoint distribution service for the respective service areas encompassing San Juan, Puerto Rico; accompanied by petitions for waiver of the current rules.

By said Order, the Commission denied petitioner's pending waiver applications. Petitioner intends to rely on the following reasons for this appeal:

(1) The Commission denied petitioner's pending waiver applications summarily, without benefit of the Commission's proposed rulemaking to amend the current Common Carrier Point-to-Point Microwave Service rules;

(2) The Commission erroneously found that petitioner's waiver applications did not satisfy the standard for a waiver;


(3) Contrary to the Commission's finding, the petitioner's waiver applications do satisfy the standard for a waiver;

(4) The petitioner's waiver applications are consistent with the minimal technical rules which the Commission proposes to adopt in redesignating the 28 GHz band so that video and other telecommunication services may be accommodated;

(5) Since the 28 GHz band is not being utilized as was found by the Commission, grant of petitioner's waiver applications would not be detrimental to "assigned users" as the Commission has erroneously and inconsistently found; and

(6) The Commission's denial of the petitioner's waiver applications is arbitrary, capricious and an abuse of discretion, not in accordance with law, and otherwise violates the Administrative Procedure Act, 5 U.S.C. §706.

Respectfully submitted,


John Haven Chapman, Esq.
CHAPMAN, MORAN, HUBBARD,
GLAZER & ZIMMERMANN
2000 L Street, N.W., Suite 200
Washington, DC 20036
(203) 353-8000

Attorneys for SMC ASSOCIATES

**UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

United States Court of Appeals
For the District of Columbia Circuit

ARNOLD CORNBLATT

Petitioner,

v.

FEDERAL COMMUNICATIONS
COMMISSION AND UNITED STATES
OF AMERICA

Respondents,

FILED FEB 08 1993

**RON GARVIN
CLERK**

**93-1127
RECEIVED**

MAK U. REC'D

PETITION FOR REVIEW

OFFICE OF GENERAL COUNSEL

Pursuant to Rule 15 of the Federal Rules of Appellate Procedure and Section 402 of the Communications Act, 47 U.S.C. §402, Arnold Cornblatt hereby petitions the Court for review of the Notice of Proposed Rulemaking, Order, Tentative Decision and Order on Reconsideration ("Order") released by the Federal Communications Commission in Docket No. CC92-297 on January 8, 1993.

In said Order, the Commission concluded that the 28 GHz band should be redesignated to accommodate local multipoint technology that would provide consumers with additional options for video programming distribution, wideband video data, and other telecommunications services. In proposing such redesignation of spectrum, the Commission said that, while the 28 GHz band has been available for point-to-point microwave radio common carrier use

since 1959, very little, if any, use of this frequency band has been made since 1959.

At the time of said Order, petitioner had pending before the Commission applications to provide local multipoint distribution service for the respective service areas encompassing Indianapolis, Indiana; Memphis, Tennessee; West Palm Beach, Florida; and Raleigh-Durham, North Carolina; accompanied by petitions for waiver of the current rules.

By said Order, the Commission denied petitioner's pending waiver applications. Petitioner intends to rely on the following reasons for this appeal:

(1) The Commission denied petitioner's pending waiver applications summarily, without benefit of the Commission's proposed rulemaking to amend the current Common Carrier Point-to-Point Microwave Service rules;

(2) The Commission erroneously found that petitioner's waiver applications did not satisfy the standard for a waiver;

(3) Contrary to the Commission's finding, the petitioner's waiver applications do satisfy the standard for a waiver;

(4) The petitioner's waiver applications are consistent with the minimal technical rules which the Commission proposes to adopt in redesignating the 28 GHz band so that video and other telecommunication services may be accommodated;

(5) Since the 28 GHz band is not being utilized as was found by the Commission, grant of petitioner's waiver applications would not be detrimental to "assigned users" as the Commission has erroneously and inconsistently found; and

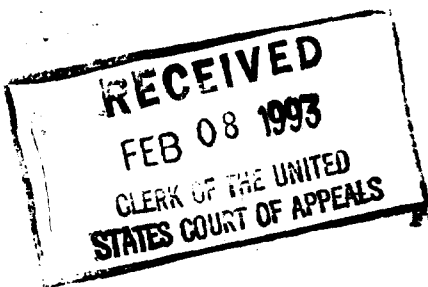
(6) The Commission's denial of the petitioner's waiver applications is arbitrary, capricious and an abuse of discretion, not in accordance with law, and otherwise violates the Administrative Procedure Act, 5 U.S.C. §706.

Respectfully submitted,



John Haven Chapman, Esq.
CHAPMAN, MORAN, HUBBARD,
GLAZER & ZIMMERMANN
2000 L Street, N.W., Suite 200
Washington, DC 20036
(203) 353-8000

Attorneys for Arnold Cornblatt



UNITED STATES COURT OF APPEALS

FOR THE DISTRICT OF COLUMBIA CIRCUIT

SCNY COMMUNICATIONS, INC.

Petitioner,

v.

FEDERAL COMMUNICATIONS
COMMISSION AND UNITED STATES
OF AMERICA

Respondents,

United States Court of Appeals
For the District of Columbia Circuit

FILED FEB 08 1993

RON GARVIN
CLERK

93-1128

RECEIVED

FILED REC'D

PETITION FOR REVIEW

OFFICE OF GENERAL COUNSEL

Pursuant to Rule 15 of the Federal Rules of Appellate Procedure and Section 402 of the Communications Act, 47 U.S.C. §402, SCNY Communications, Inc. hereby petitions the Court for review of the Notice of Proposed Rulemaking, Order, Tentative Decision and Order on Reconsideration ("Order") released by the Federal Communications Commission in Docket No. CC92-297 on January 8, 1993.

In said Order, the Commission concluded that the 28 GHz band should be redesignated to accommodate local multipoint technology that would provide consumers with additional options for video programming distribution, wideband video data, and other telecommunications services. In proposing such redesignation of spectrum, the Commission said that, while the 28 GHz band has been available for point-to-point microwave radio common carrier use

since 1959, very little, if any, use of this frequency band has been made since 1959.

At the time of said Order, petitioner had pending before the Commission applications to provide local multipoint distribution service for the respective service areas encompassing Rochester, New York; Syracuse, New York; Greenville, South Carolina; Charleston, South Carolina; and Columbia, South Carolina; accompanied by petitions for waiver of the current rules.

By said Order, the Commission denied petitioner's pending waiver applications. Petitioner intends to rely on the following reasons for this appeal:

(1) The Commission denied petitioner's pending waiver applications summarily, without benefit of the Commission's proposed rulemaking to amend the current Common Carrier Point-to-Point Microwave Service rules;

(2) The Commission erroneously found that petitioner's waiver applications did not satisfy the standard for a waiver;


(3) Contrary to the Commission's finding, the petitioner's waiver applications do satisfy the standard for a waiver;

(4) The petitioner's waiver applications are consistent with the minimal technical rules which the Commission proposes to adopt in redesignating the 28 GHz band so that video and other telecommunication services may be accommodated;

(5) Since the 28 GHz band is not being utilized as was found by the Commission, grant of petitioner's waiver applications would not be detrimental to "assigned users" as the Commission has erroneously and inconsistently found; and

(6) The Commission's denial of the petitioner's waiver applications is arbitrary, capricious and an abuse of discretion, not in accordance with law, and otherwise violates the Administrative Procedure Act, 5 U.S.C. §706.

Respectfully submitted,



John Haven Chapman, Esq.
CHAPMAN, MORAN, HUBBARD,
GLAZER & ZIMMERMANN
2000 L Street, N.W., Suite 200
Washington, DC 20036
(203) 353-8000

Attorneys for SCNY Communications,
Inc.

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

United States Court of Appeals
For the District of Columbia Circuit

CT COMMUNICATIONS CORPORATION)
)
Petitioner,)
)
v.)
)
FEDERAL COMMUNICATIONS)
COMMISSION AND UNITED STATES)
OF AMERICA)
)
Respondents,)
)

FILED FEB 08 1993

RON GARVIN
CLERK

93-1129

RECEIVED

1993 FEB 08 REC'D

PETITION FOR REVIEW

OFFICE OF GENERAL COUNSEL

Pursuant to Rule 15 of the Federal Rules of Appellate Procedure and Section 402 of the Communications Act, 47 U.S.C. §402, CT Communications Corporation hereby petitions the Court for review of the Notice of Proposed Rulemaking, Order, Tentative Decision and Order on Reconsideration ("Order") released by the Federal Communications Commission in Docket No. CC92-297 on January 8, 1993.

In said Order, the Commission concluded that the 28 GHz band should be redesignated to accommodate local multipoint technology that would provide consumers with additional options for video programming distribution, wideband video data, and other telecommunications services. In proposing such redesignation of spectrum, the Commission said that, while the 28 GHz band has been available for point-to-point microwave radio common carrier use

since 1959, very little, if any, use of this frequency band has been made since 1959.

At the time of said Order, petitioner had pending before the Commission applications to provide local multipoint distribution service for the respective service areas encompassing Bridgeport, Connecticut; Orange County, New York; Stamford, Connecticut; Gary, Indiana; Trenton, New Jersey; Ann Arbor, Michigan; Lowell, Massachusetts; Salem, Massachusetts; Lawrence, Massachusetts; Pawtucket, Rhode Island; Worcester, Massachusetts; Flint, Michigan; Lakeland, Florida; Saginaw, Michigan; Canton, Ohio; Des Moines, Iowa; McAllen, Texas; Daytona Beach, Florida; Modesto, California; Santa Barbara, California; Madison, Wisconsin; Pensacola, Florida; Atlantic City, New Jersey; Bremerton, Washington; and Olympia, Washington; accompanied by petitions for waiver of the current rules.

By said Order, the Commission denied petitioner's pending waiver applications. Petitioner intends to rely on the following reasons for this appeal:

(1) The Commission denied petitioner's pending waiver applications summarily, without benefit of the Commission's proposed rulemaking to amend the current Common Carrier Point-to-Point Microwave Service rules;

(2) The Commission erroneously found that petitioner's waiver applications did not satisfy the standard for a waiver;

(3) Contrary to the Commission's finding, the petitioner's waiver applications do satisfy the standard for a waiver;


(4) The petitioner's waiver applications are consistent with the minimal technical rules which the Commission proposes to adopt in redesignating the 28 GHz band so that video and other telecommunication services may be accommodated;

(5) Since the 28 GHz band is not being utilized as was found by the Commission, grant of petitioner's waiver applications would not be detrimental to "assigned users" as the Commission has erroneously and inconsistently found; and

(6) The Commission's denial of the petitioner's waiver applications is arbitrary, capricious and an abuse

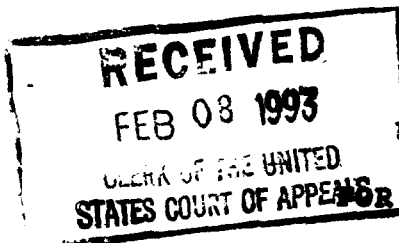
of discretion, not in accordance with law, and otherwise
violates the Administrative Procedure Act, 5 U.S.C. §706.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "John Haven Chapman", is written over a horizontal line.

John Haven Chapman, Esq.
CHAPMAN, MORAN, HUBBARD,
GLAZER & ZIMMERMANN
2000 L Street, N.W., Suite 200
Washington, DC 20036
(203) 353-8000

Attorneys for CT Communications
Corporation



UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

United States Court of Appeals
For the District of Columbia Circuit

SEAVIEW TELESYSTEMS PARTNERS)
)
Petitioner,)
)
v.)
)
FEDERAL COMMUNICATIONS)
COMMISSION AND UNITED STATES)
OF AMERICA)
)
Respondents,)
)

FILED FEB 08 1993

RON GARVIN
CLERK

93-1130

RECEIVED

RECD

PETITION FOR REVIEW

OFFICE OF GENERAL COUNSEL

Pursuant to Rule 15 of the Federal Rules of Appellate Procedure and Section 402 of the Communications Act, 47 U.S.C. §402, Seaview Telesystems Partners hereby petitions the Court for review of the Notice of Proposed Rulemaking, Order, Tentative Decision and Order on Reconsideration ("Order") released by the Federal Communications Commission in Docket No. CC92-297 on January 8, 1993.

In said Order, the Commission concluded that the 28 GHz band should be redesignated to accommodate local multipoint technology that would provide consumers with additional options for video programming distribution, wideband video data, and other telecommunications services. In proposing such redesignation of spectrum, the Commission said that, while the 28 GHz band has been available for point-to-point microwave radio common carrier use

since 1959, very little, if any, use of this frequency band has been made since 1959.

At the time of said Order, petitioner had pending before the Commission applications to provide local multipoint distribution service for the respective service areas encompassing Boston, Massachusetts; Miami, Florida; and Ft. Lauderdale, Florida; accompanied by petitions for waiver of the current rules.

By said Order, the Commission denied petitioner's pending waiver applications. Petitioner intends to rely on the following reasons for this appeal:

(1) The Commission denied petitioner's pending waiver applications summarily, without benefit of the Commission's proposed rulemaking to amend the current Common Carrier Point-to-Point Microwave Service rules;

(2) The Commission erroneously found that petitioner's waiver applications did not satisfy the standard for a waiver;

(3) Contrary to the Commission's finding, the petitioner's waiver applications do satisfy the standard for a waiver;

(4) The petitioner's waiver applications are consistent with the minimal technical rules which the Commission proposes to adopt in redesignating the 28 GHz band so that video and other telecommunication services may be accommodated;

(5) Since the 28 GHz band is not being utilized as was found by the Commission, grant of petitioner's waiver applications would not be detrimental to "assigned users" as the Commission has erroneously and inconsistently found; and

(6) The Commission's denial of the petitioner's waiver applications is arbitrary, capricious and an abuse of discretion, not in accordance with law, and otherwise violates the Administrative Procedure Act, 5 U.S.C. §706.

Respectfully submitted,



John Haven Chapman, Esq.
CHAPMAN, MORAN, HUBBARD,
GLAZER & ZIMMERMANN
2000 L Street, N.W., Suite 200
Washington, DC 20036
(203) 353-8000

Attorneys for Seaview Telesystems
Partners

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

United States Court of Appeals
For the District of Columbia Circuit

FILED FEB 08 1993

RON GARVIN
CLERK

EVANSTON TRANSMISSION COMPANY)
)
Petitioner,)
)
v.)
)
FEDERAL COMMUNICATIONS)
COMMISSION AND UNITED STATES)
OF AMERICA)
)
Respondents,)
)

93-1131

RECEIVED

RECD

OFFICE OF GENERAL COUNSEL

PETITION FOR REVIEW

Pursuant to Rule 15 of the Federal Rules of Appellate Procedure and Section 402 of the Communications Act, 47 U.S.C. §402, Evanston Transmission Company hereby petitions the Court for review of the Notice of Proposed Rulemaking, Order, Tentative Decision and Order on Reconsideration ("Order") released by the Federal Communications Commission in Docket No. CC92-297 on January 8, 1993.

In said Order, the Commission concluded that the 28 GHz band should be redesignated to accommodate local multipoint technology that would provide consumers with additional options for video programming distribution, wideband video data, and other telecommunications services. In proposing such redesignation of spectrum, the Commission said that, while the 28 GHz band has been available for point-to-point microwave radio common carrier use

since 1959, very little, if any, use of this frequency band has been made since 1959.

At the time of said Order, petitioner had pending before the Commission applications to provide local multipoint distribution service for the respective service areas encompassing Anaheim, California; Chicago, Illinois; Cleveland, Ohio; Tampa, Florida; New Orleans, Louisiana; and Louisville, Kentucky; accompanied by petitions for waiver of the current rules.

By said Order, the Commission denied petitioner's pending waiver applications. Petitioner intends to rely on the following reasons for this appeal:

(1) The Commission denied petitioner's pending waiver applications summarily, without benefit of the Commission's proposed rulemaking to amend the current Common Carrier Point-to-Point Microwave Service rules;

(2) The Commission erroneously found that petitioner's waiver applications did not satisfy the standard for a waiver;


(3) Contrary to the Commission's finding, the petitioner's waiver applications do satisfy the standard for a waiver;

(4) The petitioner's waiver applications are consistent with the minimal technical rules which the Commission proposes to adopt in redesignating the 28 GHz band so that video and other telecommunication services may be accommodated;

(5) Since the 28 GHz band is not being utilized as was found by the Commission, grant of petitioner's waiver applications would not be detrimental to "assigned users" as the Commission has erroneously and inconsistently found; and

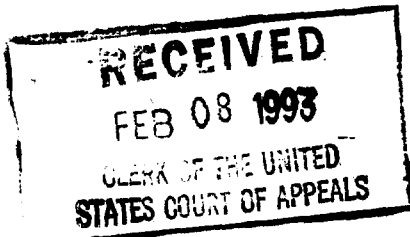
(6) The Commission's denial of the petitioner's waiver applications is arbitrary, capricious and an abuse of discretion, not in accordance with law, and otherwise violates the Administrative Procedure Act, 5 U.S.C. §706.

Respectfully submitted,



John Haven Chapman, Esq.
CHAPMAN, MORAN, HUBBARD,
GLAZER & ZIMMERMANN
2000 L Street, N.W., Suite 200
Washington, DC 20036
(203) 353-8000

Attorneys for Evanston Transmission
Company



UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

LEWIS W. SIEGEL

Petitioner,)

v.)

FEDERAL COMMUNICATIONS
COMMISSION AND UNITED STATES
OF AMERICA)

Respondents,)

United States Court of Appeals
For the District of Columbia Circuit

FILED FEB 08 1993

RON GARVIN
CLERK

93-1132
RECEIVED

MAILED REC'D

PETITION FOR REVIEW OFFICE OF GENERAL COUNSEL

Pursuant to Rule 15 of the Federal Rules of Appellate Procedure and Section 402 of the Communications Act, 47 U.S.C. §402, Lewis W. Siegel hereby petitions the Court for review of the Notice of Proposed Rulemaking, Order, Tentative Decision and Order on Reconsideration ("Order") released by the Federal Communications Commission in Docket No. CC92-297 on January 8, 1993.

In said Order, the Commission concluded that the 28 GHz band should be redesignated to accommodate local multipoint technology that would provide consumers with additional options for video programming distribution, wideband video data, and other telecommunications services. In proposing such redesignation of spectrum, the Commission said that, while the 28 GHz band has been available for point-to-point microwave radio common carrier use

since 1959, very little, if any, use of this frequency band has been made since 1959.

At the time of said Order, petitioner had pending before the Commission applications to provide local multipoint distribution service for the respective service areas encompassing Riverside, California; accompanied by petitions for waiver of the current rules.

By said Order, the Commission denied petitioner's pending waiver applications. Petitioner intends to rely on the following reasons for this appeal:

(1) The Commission denied petitioner's pending waiver applications summarily, without benefit of the Commission's proposed rulemaking to amend the current Common Carrier Point-to-Point Microwave Service rules;

(2) The Commission erroneously found that petitioner's waiver applications did not satisfy the standard for a waiver;


(3) Contrary to the Commission's finding, the petitioner's waiver applications do satisfy the standard for a waiver;

(4) The petitioner's waiver applications are consistent with the minimal technical rules which the Commission proposes to adopt in redesignating the 28 GHz band so that video and other telecommunication services may be accommodated;

(5) Since the 28 GHz band is not being utilized as was found by the Commission, grant of petitioner's waiver applications would not be detrimental to "assigned users" as the Commission has erroneously and inconsistently found; and

(6) The Commission's denial of the petitioner's waiver applications is arbitrary, capricious and an abuse of discretion, not in accordance with law, and otherwise violates the Administrative Procedure Act, 5 U.S.C. §706.

Respectfully submitted,



John Haven Chapman, Esq.
CHAPMAN, MORAN, HUBBARD,
GLAZER & ZIMMERMANN
2000 L Street, N.W., Suite 200
Washington, DC 20036
(203) 353-8000

Attorneys for Lewis W. Siegel

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

JUDY FEINBERG

Petitioner,

v.

FEDERAL COMMUNICATIONS
COMMISSION AND UNITED STATES
OF AMERICA

Respondents,

United States Court of Appeals
For the District of Columbia Circuit

FILED FEB 08 1993

RON GARVIN
CLERK

93-1133

RECEIVED

MAN 07 REC'D

PETITION FOR REVIEW OFFICE OF GENERAL COUNSEL

Pursuant to Rule 15 of the Federal Rules of Appellate Procedure and Section 402 of the Communications Act, 47 U.S.C. §402, Judy Feinberg hereby petitions the Court for review of the Notice of Proposed Rulemaking, Order, Tentative Decision and Order on Reconsideration ("Order") released by the Federal Communications Commission in Docket No. CC92-297 on January 8, 1993.

In said Order, the Commission concluded that the 28 GHz band should be redesignated to accommodate local multipoint technology that would provide consumers with additional options for video programming distribution, wideband video data, and other telecommunications services. In proposing such redesignation of spectrum, the Commission said that, while the 28 GHz band has been available for point-to-point microwave radio common carrier use

since 1959, very little, if any, use of this frequency band has been made since 1959.

At the time of said Order, petitioner had pending before the Commission applications to provide local multipoint distribution service for the respective service areas encompassing Newark, New Jersey; Milwaukee, Wisconsin; Orlando, Florida; and Jacksonville, Florida; accompanied by petitions for waiver of the current rules.

By said Order, the Commission denied petitioner's pending waiver applications. Petitioner intends to rely on the following reasons for this appeal:

(1) The Commission denied petitioner's pending waiver applications summarily, without benefit of the Commission's proposed rulemaking to amend the current Common Carrier Point-to-Point Microwave Service rules;

(2) The Commission erroneously found that petitioner's waiver applications did not satisfy the standard for a waiver;

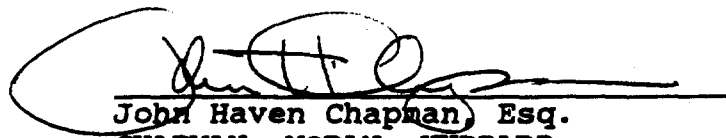
(3) Contrary to the Commission's finding, the petitioner's waiver applications do satisfy the standard for a waiver;

(4) The petitioner's waiver applications are consistent with the minimal technical rules which the Commission proposes to adopt in redesignating the 28 GHz band so that video and other telecommunication services may be accommodated;

(5) Since the 28 GHz band is not being utilized as was found by the Commission, grant of petitioner's waiver applications would not be detrimental to "assigned users" as the Commission has erroneously and inconsistently found; and

(6) The Commission's denial of the petitioner's waiver applications is arbitrary, capricious and an abuse of discretion, not in accordance with law, and otherwise violates the Administrative Procedure Act, 5 U.S.C. §706.

Respectfully submitted,



John Haven Chapman, Esq.
CHAPMAN, MORAN, HUBBARD,
GLAZER & ZIMMERMANN
2000 L Street, N.W., Suite 200
Washington, DC 20036
(203) 353-8000

Attorneys for Judy Feinberg

RECEIVED

FEB 08 1993

CLERK OF THE UNITED
STATES COURT OF APPEALS

UNITED STATES COURT OF APPEALS

FOR THE DISTRICT OF COLUMBIA CIRCUIT

United States Court of Appeals
For the District of Columbia Circuit

MICHAEL S. SIEGEL

Petitioner,

v.

FEDERAL COMMUNICATIONS
COMMISSION AND UNITED STATES
OF AMERICA

Respondents,

FILED FEB 08 1993

RON GARVIN
CLERK

93-1134
RECEIVED

RECEIVED

PETITION FOR REVIEW

OFFICE OF GENERAL COUNSEL

Pursuant to Rule 15 of the Federal Rules of Appellate Procedure and Section 402 of the Communications Act, 47 U.S.C. §402, Michael S. Siegel hereby petitions the Court for review of the Notice of Proposed Rulemaking, Order, Tentative Decision and Order on Reconsideration ("Order") released by the Federal Communications Commission in Docket No. CC92-297 on January 8, 1993.

In said Order, the Commission concluded that the 28 GHz band should be redesignated to accommodate local multipoint technology that would provide consumers with additional options for video programming distribution, wideband video data, and other telecommunications services. In proposing such redesignation of spectrum, the Commission said that, while the 28 GHz band has been available for point-to-point microwave radio common carrier use